

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

M.T., a minor by and through his grandmother and next friend, EDWINA WOODLEY; and K.C., a minor by and through his mother and next friend, KAMBRY COX,

Plaintiffs

V.

TATUM INDEPENDENT SCHOOL
DISTRICT,

Defendant.

CIVIL ACTION NO. 2:21-CV-00364-RWS

ORDER

Before the Court are the parties' Motions in Limine. Docket Nos. 94, 95, 99. The motions have been fully briefed (Docket Nos. 101, 105) and oral argument was heard at the pretrial conference held on October 3, 2023. Docket No. 117. The Court now rules as follows:

JOINT MOTIONS IN LIMINE (DOCKET NO. 94)

- Joint MIL No. 1 is **GRANTED-AS-AGREED**.
- Joint MIL No. 2 is **GRANTED-AS-AGREED**.

DEFENDANT'S MOTIONS IN LIMINE (DOCKET NO. 95)

- Defendant’s MIL No. 1 is **GRANTED**.
- Defendant’s MIL No. 2 is **GRANTED-AS-AGREED** per Plaintiffs’ representations at the Pretrial Conference. Docket No. 117 at 106:12–13.
- Defendant’s MIL No. 3 is **DENIED**. This MIL, as drafted, would too broadly cover issues expressly referenced by Plaintiffs’ Second Amended Complaint.

- Defendant's MIL No. 4 is **DENIED**. This MIL, as drafted, would too broadly cover evidence or testimony that a party may attempt to use for cross-examination. However, the Court will consider the parties' individual witness list and exhibit list objections that address witnesses and evidence that were not timely disclosed or were not produced.
- Defendant's MIL No. 5 is **DENIED**. The parties may object at trial under FED. R. EVID. 702 or the Court's Orders.
- Defendant's MIL No. 6 is **DENIED**. The parties may object at trial under FED. R. EVID. 701 or the Court's Orders.
- Defendant's MIL No. 7 is **GRANTED**.
- Defendant's MIL No. 8 is **DENIED**. Defendants may raise the objections preserved in their notice at Docket No. 86 at trial.
- Defendant's MIL No. 9 is **DENIED**.

PLAINTIFFS' MOTIONS IN LIMINE (DOCKET NO. 99)


- Plaintiffs' MIL No. 1 is **GRANTED**.
- Plaintiffs' MIL No. 2 is **DENIED**.
- Plaintiffs' MIL No. 3 is **DENIED**.
- Plaintiffs' MIL No. 4 is **WITHDRAWN** per Plaintiffs' representations at the Pretrial Conference. Docket No. 117 at 128:3–9.
- Plaintiffs' MIL No. 5 is **WITHDRAWN** per Plaintiffs' representations at the Pretrial Conference. Docket No. 117 at 128:3–9.
- Plaintiffs' MIL No. 6 is **DENIED**. Such testimony may be relevant to the issue of disparate treatment.

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Accordingly, it is

ORDERED that the parties, their witnesses and counsel shall not raise, discuss or argue the subject of any granted motion *in limine* before the venire panel or the jury without prior leave of the Court.

So ORDERED and SIGNED this 12th day of December, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE